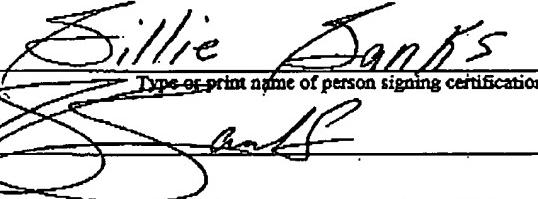


CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to 1-(703)-872-9306 on the date shown below.



Type or print name of person signing certification


Signature _____ Date _____
7/15/04

**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | | |
|------------|---|------------------------------|----------------------------|
| Applicants | : | Briner et al. |) |
| Serial No. | : | 10/031,311 |) |
| Filed | : | May 6, 2003 |) Group Art Unit: 1625 |
| For | : | SEROTONERGIC BENZOTHIOPHENES |) Examiner: Celia Chang |
| Docket No. | : | X12591 |) |

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Daniel Timothy Kohlman, declare that:

I hold the degree of Master of Science Degree in Organic Chemistry from the University of Toledo (1990).

I have been employed since 1996 by Eli Lilly and Company in the following capacities: 1996-2000: Organic Chemist, 2000-present: Assistant Senior Organic Chemist performing organic chemistry predominantly in the neuroscience field in search of new therapeutics.

I have authored or co-authored 5 papers in the fields of organic and medicinal chemistry.

Serial No. 01/031,311

I am the inventor or co-inventor of more than 6 United States patents and more than 6 patent applications.

I am an inventor named in this application, Serial No. 10/031,311.

I further declare that I am an inventor named in U.S. patent 6,436,964, ('964 patent) directed to piperidine derivatives characterized by having dual activities as inhibitors of the reuptake of serotonin and antagonists of the 5-HT_{1A} receptor subtype. I declare that I, together with co-inventors Dr. Yao-Chang Xu and Mr. Sidney Xi Liang, are the first and sole inventors of the piperidinyl benzofuran intermediates described, but not claimed in the '964 patent. These intermediates were not found to have the desired combination 5-HT_{1A} antagonist /SSRI activity of the compounds described and claimed in the '964 patent, but were surprisingly found to have 5-HT_{2C} agonist activity. This finding was the beginning of the development of the presently described and claimed family of piperidinyl benzofuran compounds, which lack N-substitution and have desirable 5-HT_{2C} agonist activity, which compounds are also distinct from the compounds claimed in the '964 patent.

Furthermore, WO01/46142 and WO 01/46143 have likewise been cited as evidence of an inventorship question regarding the presently claimed 5-HT_{2C} agonists. I declare that the inventions disclosed in these other patent applications, are improved processes for synthesizing the intermediates disclosed in the '964 patent, and that they can be useful in synthesizing the compounds of the present invention, but that the compounds themselves were the invention of myself, Dr. Xu, and Mr. Liang, which were subsequently submitted to the inventors of the WO01/46142 and WO 01/46143 applications for process improvement/ development work. Thus the inventive process improvements disclosed in these applications were subsequent to the presently claimed invention.

I further declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Serial No. 01/031,311

18-June-2004
DateDaniel Timothy Kohlman
Daniel Timothy Kohlman

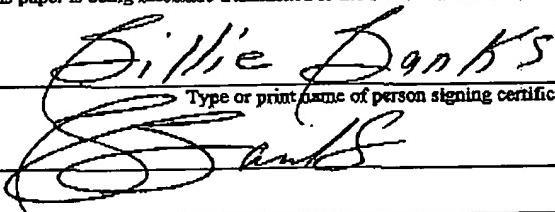
UNITED STATES OF AMERICA

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public for Marion County, State of Indiana, personally appeared Daniel Timothy Kohlman and acknowledged the execution of the foregoing instrument this 18th day of June, 2004.

Notary Public

BILLIE L. BANKS, Notary Public
My Commission Expires: May 13, 2008
Resident of Marion County

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|---|--|--|
| CERTIFICATION OF FACSIMILE TRANSMISSION | | |
| I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to 1-(703)-872-9306 on the date shown below. | | |
|  Signature | | Type or print name of person signing certification |
| | | 7/15/04 Date |

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| Docket No. | : | X12591 |) |

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Yao-Chang Xu, declare that:

I hold the degree of PhD in organic chemistry

I have been employed since 1993 by Eli Lilly and Company in the following capacities:

Senior Organic Chemist (1993-1997);

Research Scientist (1997-2001);

Sr. Research Scientist (2001-2002);

Department Head (2002-present).

Serial No. 01/031,311

I have authored or co-authored more than 30 papers, predominantly in the fields of organic and medicinal chemistry.

I am the inventor or co-inventor of more than 20 United States patents, in the field of drug discovery research.

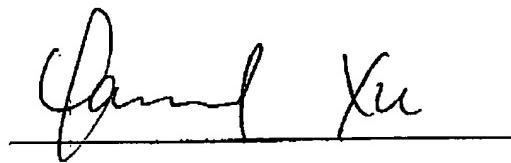
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I further declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Serial No. 01/031,311



Yao-Chang Xu

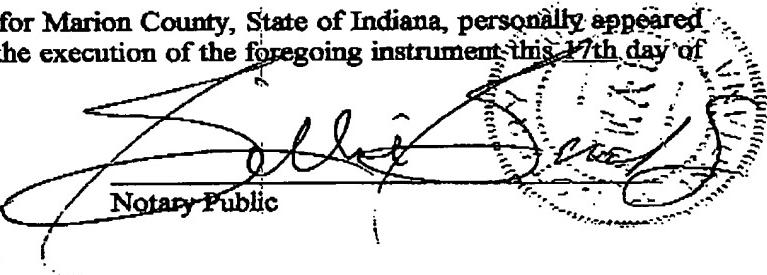
6/17/04

Date

UNITED STATES OF AMERICA

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public for Marion County, State of Indiana, personally appeared
Yao-Chang Xu and acknowledged the execution of the foregoing instrument this 17th day of
June, 2004

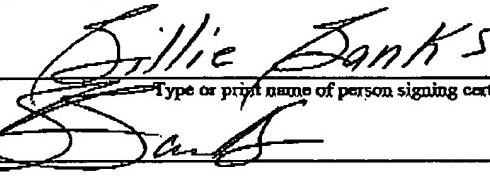


Notary Public

BILLIE L. BANKS, Notary Public
My Commission Expires: May 13, 2008
Resident of Marion County

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| Docket No. | : | X12591 |) |

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Sidney Xi Liang, declare that:

I hold the Master of Science Degree in Organic Chemistry from Michigan Technological University (1990).

I have been employed by Eli Lilly and Company from winter 1996 to winter 2001 in the following capacities: Synthetic organic chemist for the discovery of therapeutic compounds for CNS disorder. (Organic chemist 1996-2000; Assistant Senior Scientist 2000-2001).

Serial No. 01/031,311

I have authored or co-authored 3 papers in the fields of Organic Chemistry and Medicinal Chemistry.

I am the inventor or co-inventor on more than 11 United States patents and patent applications.

I am an inventor named in this application, Serial No. 10/031,311.

I further declare that I am an inventor named in U.S. patent 6,436,964, ('964 patent) directed to piperidine derivatives characterized by having dual activities as inhibitors of the reuptake of serotonin and antagonists of the 5-HT_{1A} receptor subtype. I declare that I, together with co-inventors Dr. Yao-Chang Xu and Mr. Daniel Timothy Kohlman, are the first and sole inventors of the piperidinyl benzofuran intermediates described, but not claimed in the '964 patent. These intermediates were not found to have the desired combination 5-HT_{1A} antagonist /SSRI activity of the compounds described and claimed in the '964 patent, but were surprisingly found to have 5-HT_{2C} agonist activity. This finding was the beginning of the development of the presently described and claimed family of piperidinyl benzofuran compounds, which lack N-substitution and have desirable 5-HT_{2C} agonist activity, which compounds are also distinct from the compounds claimed in the '964 patent.

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Serial No. 01/031,311

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July 12, 2004
Date

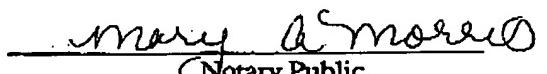


Sidney Xi Liang

UNITED STATES OF AMERICA

STATE OF CONNECTICUT)
) SS:
COUNTY OF New Haven)

Before me, a Notary Public for New Haven County, State of Connecticut, personally appeared Sidney Xi Liang and acknowledged the execution of the foregoing instrument this 12th day of July, 2004.



Notary Public
MARY MORRIS
NOTARY PUBLIC
MY COMMISSION EXPIRES DEC 11 2008